

The Honorable Richard A. Jones

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ABDIQAFAR WAGAFE, *et al.*, on behalf of
himself and other similarly situated,

Plaintiffs,

v.

DONALD TRUMP, President of the United
States, *et al.*,

Defendants.

CASE NO. C17-00094RAJ

**STIPULATION FOR ORDER
TEMPORARILY SUSPENDING
CASE SCHEDULE**

**NOTE ON MOTION CALENDAR:
March 24, 2020**

WHEREAS, during the week of March 10, two employees who work in the office building in which most of Defendants' counsel work in Washington, DC – including one employee on the same floor as several of Defendants' counsel – exhibited symptoms consistent with COVID-19 (Coronavirus). The employee's physician recommended that the employee self-quarantine for two weeks. In accordance with Centers for Disease Control and Prevention guidance, the offices were sanitized and temporarily closed during that sanitization. The offices promptly reopened, but to mitigate risks to individual staff members who consider themselves at high risk for illness, telework arrangements have been permitted for those individuals rather than return to the office, which include members of Defendants' trial team;

1 WHEREAS these events have resulted in the majority of the Defendants' trial team having to
2 work remotely since that time while the Department of Justice continues to evaluate and respond to
3 the situation to ensure the health and safety of Department employees in that building;

4 WHEREAS Coronavirus-related disruptions are being experienced in the greater Seattle area
5 as well, including the suspension of significant operations at the U.S. District Court for the Western
6 District of Washington and the United States Attorney's Office, and the closing of the USCIS
7 Seattle/Tacoma Field Office;

8 WHEREAS these events are rapidly developing, and at the same time critical deadlines in
9 this case are fast approaching;

10 WHEREAS on March 14, 2020, the Executive Office of the President instructed all federal
11 agencies that travel "by any Federal employee to or within areas where there is community spread of
12 COVID-19 should only be undertaken when there is an urgent need, such as to protect life and
13 property," and has recommended that other non-mission-critical travel be avoided;

14 WHEREAS the parties have designated ten expert witnesses in the last three-weeks (nine by
15 Plaintiffs and one by Defendants), Plaintiffs' 30(b)(6) deposition of USCIS's designee or designees
16 remains pending, and numerous in-person depositions need to be scheduled during the next two
17 weeks under the current deadline;

18 WHEREAS the significant amount of evidence subject to one or more protective orders in
19 this case complicates or may render impracticable the use of remote means to depose remaining
20 witnesses, and limits the ability to review sensitive materials during telework;

21 WHEREAS the current stage of this litigation requires substantial travel to multiple locations
22 in the United States, conducting full-day depositions with multiple people (some of whom will be
23 traveling to or from Seattle and Washington, D.C. and other parts of the country affected by the
24 spread of
25
26
27
28

1 COVID-19), and such travel is now subject to the federal travel guidance issued on March 14, 2020,
2 described above;

3 WHEREAS the parties have met and conferred regarding the significant limitations that the
4 foregoing events and burdens have imposed with regard to meeting these upcoming deadlines;

5 WHEREAS the parties are mindful of their obligations to adhere to the case schedules
6 adopted by the Court and have been endeavoring to comply and will continue to work towards
7 satisfying the remaining discovery obligations described above, but jointly believe there is good
8 cause for a temporary suspension of the case schedule because of the concerns summarized above;

9 WHEREAS immediately approaching deadlines in this case include a March 28, 2020
10 deadline to submit responsive expert witness reports and an April 6, 2020 deadline to complete
11 expert discovery, including all depositions, the disruption of which unavoidably affects later
12 deadlines as well, including the May 11, 2020 deadline for dispositive motions;

13 WHEREAS the parties intend to meet and confer on a bi-weekly basis in an effort to further
14 progress on this case and commit to jointly reporting to the Court in this regard on a monthly basis;
15 and

16 WHEREAS the parties will immediately notify the Court when circumstances are such that it
17 is appropriate to set a new case schedule;

18 WHEREAS extensive discovery conducted to date has revealed the amount of evidence,
19 issues and witnesses that Plaintiffs believe will be necessary to bring this case to trial, Plaintiffs wish
20 to inform the Court that their original estimate that trial in this case would last five days is no longer
21 accurate and may require substantially more time. Plaintiffs want to alert the Court to this issue, as it
22 is relevant to future rescheduling of a trial date in this case. Defendants' estimate regarding the
23 duration of trial has not changed.
24
25
26
27
28

1 NOW THEREFORE the parties through their respective counsel of record do hereby
2 stipulate and agree that the Court may make and enter the following order:

3 The case schedule established by the Court on October 24, 2019, as modified by its
4 subsequent minute orders issued on December 18, 2019, and February 13, 2020, shall
5 be suspended until such time as current limitations no longer impair counsel's ability
6 to meet case deadlines and efficiently perform their duties associated with this case.

7 To the extent that the Court would like to discuss these matters with the parties, counsel will
8 be available at the Court's convenience.

9 **SO STIPULATED.**

10 DATED: March 24, 2020.

11 JOSEPH H. HUNT
12 Assistant Attorney General
13 Civil Division
14 U.S. Department of Justice

ANDREW C. BRINKMAN
Senior Counsel for National Security
National Security Unit
Office of Immigration Litigation

15 AUGUST FLENTJE
16 Special Counsel
17 Civil Division

VICTORIA M. BRAGA
Trial Attorney
Office of Immigration Litigation

18 ETHAN B. KANTER
19 Chief, National Security Unit
20 Office of Immigration Litigation
21 Civil Division

JESSE BUSEN
Counsel for National Security
Office of Immigration Litigation

22 BRIAN T. MORAN
23 United States Attorney

BRENDAN T. MOORE
Trial Attorney
Office of Immigration Litigation

24 BRIAN C. KIPNIS
25 Assistant United States Attorney
26 Western District of Washington

MICHELLE R. SLACK
Trial Attorney
Office of Immigration Litigation

27 LEON B. TARANTO
28 Trial Attorney
Torts Branch
Civil Division

KATHRYN DAVIS
Senior Counsel
Federal Programs Branch
Civil Division

Counsel for Defendants

/s/ Lindsay M. Murphy
LINDSAY M. MURPHY
Senior Counsel for National Security
Office of Immigration Litigation

SO STIPULATED

DATED: March 24, 2020.

s/ Jennifer Pasquarella

Jennifer Pasquarella (admitted pro hac vice)
ACLU Foundation of Southern California
 1313 W. 8th Street
 Los Angeles, CA 90017
 Telephone: (213) 977-5236
 jpasquarella@aclusocal.org

s/ Matt Adams

Matt Adams #28287
Northwest Immigrant Rights Project
 615 Second Ave., Ste. 400
 Seattle, WA 98122
 Telephone: (206) 957-8611
 matt@nwirp.org

s/ Stacy Tolchin

Stacy Tolchin (admitted pro hac vice)
Law Offices of Stacy Tolchin
 634 S. Spring St. Suite 500A
 Los Angeles, CA 90014
 Telephone: (213) 622-7450
 Stacy@tolchinimmigration.com

s/ Hugh Handeyside

s/ Lee Gelernt

s/ Hina Shamsi

Hugh Handeyside #39792
 Lee Gelernt (admitted pro hac vice)
 Hina Shamsi (admitted pro hac vice)
American Civil Liberties Union Foundation
 125 Broad Street
 New York, NY 10004
 Telephone: (212) 549-2616
 lgelernt@aclu.org
 hhandeyside@aclu.org
 hshamsi@aclu.org

s/ Harry H. Schneider, Jr.

s/ Nicholas P. Gellert

s/ David A. Perez

s/ Heath L. Hyatt

s/ Paige Whidbee

Harry H. Schneider, Jr. #9404

Nicholas P. Gellert #18041

David A. Perez #43959

Heath L. Hyatt #54141

Perkins Coie LLP

1201 Third Avenue, Suite 4900

Seattle, WA 98101-3099

Telephone: 206.359.8000

HSchneider@perkinscoie.com

NGellert@perkinscoie.com

DPerez@perkinscoie.com

HHyatt@perkinscoie.com

PWhidbee@perkinscoie.com

s/ Trina Realmuto

s/ Kristin Macleod-Ball

Trina Realmuto (admitted pro hac vice)

Kristin Macleod-Ball (admitted pro hac vice)

American Immigration Council

1318 Beacon Street, Suite 18

Brookline, MA 03446

Telephone: (857) 305-3600

trealmuto@immcouncil.org

kmacleod-ball@immcouncil.org

s/ John Midgley

John Midgley #50517

ACLU of Washington Foundation

P.O. Box 2728

Seattle, WA 98111

Telephone: (206) 624-2184

jmidgley@aclu-wa.org

Counsel for Plaintiffs

ORDER

The case schedule established by the Court on October 24, 2019, as modified by its subsequent minute orders issued on December 18, 2019, and February 13, 2020, shall be suspended until such time as current limitations no longer impair counsel's ability to meet case deadlines and efficiently perform their duties associated with this case.

DATED: March ____, 2020.

RICHARD A. JONES
United States District Judge

CERTIFICATE OF SERVICE

I hereby certify that on March 24, 2020, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Lindsay M. Murphy
LINDSAY M. MURPHY
Senior Counsel for National Security
Office of Immigration Litigation
(202) 616-4018